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10/726,857	12/02/2003	Paul Thomas Knowles	1801270.00132US1	5597
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary**Application No.**

10/726,857

Applicant(s)

KNOWLES, PAUL THOMAS

Examiner

JUNCHUN WU

Art Unit

2191

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11, 12, 14 and 19-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 12, 14 and 19-30 is/are rejected.
- 7) ☒ Claim(s) 8 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date 7/16/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to amendment filed on Apr. 17, 2008.
2. Claims 1 and 12 have been amended.
3. Claims 9, 10, 13, 15-18 have been cancelled.
4. Claims 29 and 30 are new
5. Claims 1-8, 11, 12, 14 and 19-30 are pending in this application.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Babaian et al. (US Pub. No. 20020092002 A1 hereinafter "Babaian"), in view of Luch et al. (US Pub. No. 20040128658 A1 hereinafter "Luch") and further view of Rudd ("Efficient Exception Handling Techniques for High-Performance Processor Architectures", August 1997, hereinafter "Rudd").

Per claim 1 (Currently Amended)

Babaian discloses

A method of handling exceptions encountered during the translation of subject program code into target code, comprising:

- detecting the occurrence of an exception ([0007] “*the exception handler initiates a process designed to provide a solution to the problem or to the change in conditions whenever encountered during the execution of the program. Exceptions are synchronous events that are generated in response to certain conditions detected during the execution of an instruction.*”).
- selecting a level of subject context precision required for the detected exception from a plurality of possible levels of precision ([0084]).
- invoking a signal handler to handle the detected exception using the selected level of precision ([0074] “*... host exception handler will be invoked...*”).

Further, Babaian discloses handling precise exceptions in a computer system that executes a plurality of operations in parallel (e.g. see [Abstract]), but does not explicitly disclose

- the selected level of subject context comprises a level in which less than an entire subject processor state is passed to the signal handler, and the selected level of subject context comprises one or more of (i) a last known stack frame, (ii) no subject processor state and (iii) a precise program counter value.

However, Lueh discloses

- the selected level of subject context comprises one or more of (i) a last known stack frame, (ii) no subject processor state and (iii) a precise program counter value ([0006] “*A stack unwinding mechanism involved in the exception throwing process in a runtime system unwinds or walks up the stack frames from the bottom frame of the runtime call*

stack, one frame at a time, and uses the records deposited by the compiler to discover the topmost handler that handles the exception”).

- Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Babaian’s teachings by adding the selected level of subject context comprises one or more of (i) a last known stack frame, (ii) no subject processor state and (iii) a precise program counter value by Lueh in order to improved handling of exceptions in software programs that will reduce runtime overhead and help improve processor performance ([0010]).

Both Babaian and Lueh do not disclose

- the selected level of subject context comprises a level in which less than an entire subject processor state is passed to the signal handler.

However, Rudd implicitly discloses

- the selected level of subject context comprises a level in which less than an entire subject processor state is passed to the signal handler (refer On page 6, “*We term exceptions that adhere to this definition as instruction-precise exceptions to explicitly declare the level of precision that is required.*” & On page 8, “*It is easy to see that the only information required for the execution handler to service the exception is the excepting operation address (x) and the cause of the exception. Since only one operation is being processed at any time and there is no overlap of any kind, it is easy to deal with the excepting operation. The processor (or the exception handler) must also ensure that the appropriate processor state—register values, status information, etc.—are all preserved appropriately.*”).

- Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Babaian and Lueh teachings by adding the selected level of subject context comprises a level in which less than an entire subject processor state is passed to the signal handler by Rudd in order to provides a solution to the problem of latency intolerance that plagues these processors and exception handling methods can achieve high-performance with minimal processor impact (Refer on page 45).

Per claim 2 (Original)

the rejection of claim 1 is incorporated and Babaian further discloses

- the exception occurrence detecting step detects the occurrence of an exception signal during translation of the subject program code ([0012] *“Binary translation means that a foreign code is processed by host software to produce new host code corresponding to the foreign code. The new host code is called binary translated code. To preserve foreign code behavior in binary translated code on the host computer system, the system must maintain precise exceptions.”*).

Per claim 3 (Original)

the rejection of claim 2 is incorporated and Babaian further discloses

- the target code generated by the translation invokes a proxy signal handler to handle the detected exception ([0009]).

Per claim 4 (Original)

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the rejection of claim 1 is incorporated and Babaian further discloses

- the exception occurrence detecting step detects the occurrence of an exception signal during execution of the target code ([0012] “*the present invention also provides a technique for maintaining precise exceptions in binary translated code executing on a host platform having explicit parallelism architecture*”).

Per claim 5 (Original)

the rejection of claim 4 is incorporated and Babaian further discloses

- target operating system invokes a proxy signal handler to handle the detected exception. ([0008] “*As the exception occurs, the exception handler in the operating system will load the needed page from disk into the memory and then re-execute faulted user's instruction.*”).

8. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Babaian, in view of Lueh and Rudd and further view of Gokingco et al. (“Porting software from an MC68040 to an MC68060”, April 6, 1995, hereinafter “Gokingco”).

Per claim 6 (Original)

the rejection of claim 1 is incorporated

Babaian, Lueh and Rudd does not explicitly discloses

- the default level of subject context precision is a last known stack frame

But Gokingco discloses

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- the default level of subject context precision is a last known stack frame (Sec. 3.0, 3rd paragraph; when an exception occurs, the stack frame was created by system as default level).
- Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teachings of Babaian, Lueh and Rudd by adding the default level of subject context precision is a last known stack frame by Gokingco in order to provide information to the exception and to provide a way to return to normal processing (Gokingco, Sec. 3.0, 4th paragraph lines 1-2).

Per claim 7 (Original)

the rejection of claim 6 is incorporated

Babaian, Lueh and Rudd does not explicitly disclose

- the last known stack frame includes a last known stack pointer value, a base pointer value, and a program counter register value,

But Gokingco discloses

- the last known stack frame includes a last known stack pointer value, a base pointer value (Sec. 3.0, 5th paragraph lines 1-5).
- Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teachings of Babaian, Lueh and Rudd by adding the last known stack frame includes a last known stack pointer value, a base pointer value by Gokingco in order to distinguish among different stack frame types and values (Gokingco, Sec. 3.0, 5th paragraph lines 6-7).

9. Claims 12 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Krishnaswamy (US Pub. No. 20010013118 A1 hereinafter “Krishnaswamy”), and in view of Luch.

Per claim 12 (Currently Amended)

Krishnaswamy discloses

In a method of handling subject code exceptions in a translation system employing a translator to translate subject code to target code, the steps comprising:

- generating a target context ([0025]).
- reconstructing a subject context using said target context, thereby generating a reconstructed subject context ([0031]).
- executing a translated version of a subject signal handler associated with a particular said exception using the reconstructed subject context ([0035] “*Once the interpreter reaches a GAR point, all of the asynchronous exceptions will be handled, i.e., the application context will be reconstructed and control will be transferred to the respective asynchronous exception handlers.*”).
- wherein the step of reconstructing a subject context comprises reconstructing less than an entire subject processor state ([0008] “*Various approaches have been used in conjunction with dynamic translation execution to ensure that the reconstructed application context (i.e., the hardware register state and the instruction pointer) is correct when control is transferred to an asynchronous exception handler.*”)

However, Luch discloses

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- the reconstructed subject context includes one or more of (i) a last known stack frame, (ii) no subject processor state and (iii) a precise program counter value ([0006] “*A stack unwinding mechanism involved in the exception throwing process in a runtime system unwinds or walks up the stack frames from the bottom frame of the runtime call stack, one frame at a time, and uses the records deposited by the compiler to discover the topmost handler that handles the exception*”).
- Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Krishnaswamy’s teachings by adding the reconstructed subject context includes one or more of (i) a last known stack frame, (ii) no subject processor state and (iii) a precise program counter value by Lueh in order to improved handling of exceptions in software programs that will reduce runtime overhead and help improve processor performance ([0010]).

10. Claims 14, 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Krishnaswamy, in view of Lueh, and further view of Gokingco.

Per claim 14 (Original)

the rejection of claim 12 is incorporated

Both Krishnaswamy and Lueh do not teach

- step of reconstructing a subject context comprises selecting one of a plurality of subject context precision levels for processing said exception,

But Gokingco teaches

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- step of reconstructing a subject context comprises selecting one of a plurality of subject context precision levels for processing said exception (Sec. 3.0, 4th paragraph lines 2-6).
- Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Krishnaswamy and Luch teachings by adding step of reconstructing a subject context comprises selecting one of a plurality of subject context precision levels for processing said exception by Gokingco in order to using v-table to dispatch each exception types to actual exception handler (Gokingco, Sec. 3.0, 4th paragraph).

Per claim 19 (Original)

the rejection of claim 14 is incorporated and Krishnaswamy further discloses

- step of reconstructing a subject context is performed by proxy signal handler code ([0034] *“When the interpreter 27 determines that a GAR point has been reached in the execution stream, the interpreter 27 transfers control to the dynamic translation system controller 28 which reconstructs the application context and transfers control to the asynchronous exception handler”*).

Per claim 20 (Original)

the rejection of claim 19 is incorporated and Krishnaswamy further discloses

- proxy signal handler code is registered in the target code by said translator and wherein said translator further raises a flag to said proxy signal handler indicating which of said

plurality of subject context precision levels is to be used in response to said particular exception ([0009]).

Per claim 21 (Original)

the rejection of claim 19 is incorporated and Krishnaswamy further discloses

- particular exception is detected during decoding of the subject code by said translator ([0003] *“When an asynchronous exception occurs, the dynamic translation system must simulate, during the execution of the translated application code, the handling of the asynchronous exception by the input application code.”*).

Per claim 22 (Original)

the rejection of claim 21 is incorporated and Krishnaswamy further discloses

- translator responds to detection of said particular exception during decoding to plant target code which generates said target context and invokes operation of the proxy signal handler code ([0010] *“All of the prior approaches for handling asynchronous exceptions, including the approach disclosed in the Buzbee patent, detect when an asynchronous exception has occurred, record the asynchronous exception, continue execution until a GAR point is reached, and transfer control to the asynchronous exception handler for servicing the asynchronous event when the GAR point is reached.”*).

Per claim 23 (Original)

the rejection of claim 19 is incorporated and Krishnaswamy further discloses

- particular exception arises during execution of said target code ([0029]).

Per claim 24 (Original)

the rejection of claim 23 is incorporated and Krishnaswamy further discloses

- a target operating system responds to occurrence of said particular exception during execution of said target code to pass target context to said proxy signal handler code ([0010]).

Per claim 25 (Original)

the rejection of claim 24 is incorporated and Krishnaswamy further discloses

- after receiving said target context, said proxy signal handler code calls the translator, which then invokes a selected translated subject signal handler ([0034] 4-8).

Per claim 26 (Original)

the rejection of claim 14 is incorporated

Both Krishnaswamy and Lueh do not disclose

- exception is caused by one of a plurality of asynchronous external events and wherein said exception is handled using a selected default level of precision assigned to all asynchronous events.

But Gokingo discloses

- exception is caused by one of a plurality of asynchronous external events (Sec. 3.0, 2nd paragraph lines 1-3) and wherein said exception is handled using a selected default level

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of precision assigned to all asynchronous events (Sec. 3.0, 6th paragraph lines 1-3, using stack frame as a default level to determine the cause of the exception and handle the exception).

- Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Krishnaswamy and Luch teachings by adding exception is caused by one of a plurality of asynchronous external events and wherein said exception is handled using a selected default level of precision assigned to all asynchronous events by Gokingco in order to provide information to the exception and to provide a way to return to normal processing (Gokingco, Sec. 3.0, 4th paragraph lines 1-2).

Per claim 27 (Original)

the rejection of claim 26 is incorporated

Krishnaswamy does not disclose

- selected default level is a last known stack frame

but Gokingco discloses

- selected default level is a last known stack frame (Sec. 3.0, 3rd paragraph; when an exception occurs, the stack frame was created by system as default level).
- Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Krishnaswamy's teachings by adding selected default level is a last known stack frame by Gokingco in order to provide information to the

exception and to provide a way to return to normal processing (Gokingco, Sec. 3.0, 4th paragraph lines 1-2).

Per claim 28 (Original)

the rejection of claim 19 is incorporated and Krishnaswamy further discloses

- proxy signal handler code is arranged to interact with a subject register bank ([0009])

Allowable Subject Matter

11. Claims 8 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed on Apr. 17, 2008 have been fully considered but they are not persuasive.

In the remarks,

- Claim 1 has been amended to include the limitation of claims 9 and 10 which were objected to the previously office action.
- Claim 12 has been amended to include the limitation of claims 15, 16 and 17 which were objected to the previously office action.
- Applicant respectfully submits that claims 1 and 12 should be allowable and dependent claims as well.

Examiner's response:

Examiner disagrees.

Independent claims 1 and 12 which have been amended do not include all the limitations from the dependent claims 9, 10, 15, 16 and 17. Thus, claims rejection is still maintain.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNCHUN WU whose telephone number is (571)270-1250. The examiner can normally be reached on 8:00-17:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JW

/Wei Zhen/

Supervisory Patent Examiner, Art Unit 2191